

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MOHAMED JOHN AKHTAR and LA BUCA  
RESTAURANT, INC. d/b/a SWING 46 JAZZ  
AND SUPPER CLUB,

Plaintiffs

-against-

ERIC M. EISENBERG and JOHN AND JANE  
DOES ONE THROUGH THIRTY,

Defendants

23-CV-6585 (JGLC) (VF)

**NOTICE OF MOTION AND MOTION OF ERIC M. EISENBERG TO DISMISS  
AMENDED COMPLAINT PURSUANT TO RULES 12(B)(1), 12(B)(2), 12(B)(5), 12(B)(6)  
AND 12(B)(7)**

PLEASE TAKE NOTICE that, upon the Plaintiffs' amended pleading (D.I. 104) and the Memorandum of Law and supporting Declaration of Eric M. Eisenberg submitted herewith, the undersigned Eric M. Eisenberg hereby moves this Court, at 500 Pearl Street, New York, NY 10007-1312, before the Hon. Jessica G. L. Clarke, United States District Judge of the Southern District of New York, at a date and time to be determined by this Court, for an Order pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), 12(b)(5), 12(b)(6), and 12(b)(7), dismissing the Amended Complaint (D.I. 104) and all claims which may be asserted against him therein, with prejudice in their entirety, and awarding such other relief as the Court may deem just and proper.

Dated (and executed in): Miami, Florida  
April 3, 2025

Respectfully submitted,

s/ Eric Eisenberg  
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